

**REMARKS**

Claims 1-24 are all the claims presently pending in the application, of which claims 1, 21, 23 and 24 are independent. Claims 1-24 are rejected, of which Applicant proposes to amend claims 1, 21, 23 and 24.

Applicant expresses appreciation to the Examiner for the consideration of the subject patent application.

**Rejections under 35 U.S.C. 102(b)**

The Examiner rejected claims 1-3, 7-13, 16-17, 19, 21-22 and 24 as being anticipated by Evans (U.S. Patent No. 1,152,308).

In the Evans reference, there is disclosed a cooking steamer with an outer vessel 1 and an inner vessel 9. Significantly, the inner vessel 9 is positioned in the outer vessel 1 so that there is a considerable amount of space between the respective bottom wall and side walls of the inner vessel 9 and outer vessel 1. This is accomplished with projections 12 extending from the outer walls of the inner vessel 9, which are configured to sit within brackets 6 extending from the walls of the outer vessel 1. Such arrangement allows the inner vessel 9 be suspended within the outer vessel 1. *See* Evans, page 1, lines 64-95; and FIGS. 1 and 2.

In contrast, independent claim 1 has been amended to recite that the bottom wall and upstanding side wall of the liner is configured to conformably and abuttingly fit against an inner surface of a dutch oven. Furthermore, claim 1 now includes a limitation that the liner also is a deformable material. Specifically, claim 1 has been amended to recite as follows:

1. A disposable liner for a dutch oven comprising:  
a liner having a bottom wall and an upstanding side wall with an upper portion, said liner having a liquid-retaining surface extending

along said bottom wall to at least said upper portion of said upstanding side wall, said bottom wall and said upstanding side wall of said liner configured with a deformable material to conformably and abuttingly fit against an inner surface of [in] the dutch oven; and

at least one handle extendable from said upper portion of said liner and configured to be moveable with respect to said upper portion for completely enclosing in the dutch oven.

As noted by the Court of Appeals for the Federal Circuit in *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (1987), "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Applicant respectfully submits that claim 1 requires the presence of a deformable liner where the bottom wall and the upstanding side wall are configured to be conformable and abuttingly fit against an inner surface of a dutch oven. Since the Evans reference does not teach or disclose such limitations, the rejection of amended claim 1 under 35 U.S.C. 102 over the Evans reference should be withdrawn.

With respect to independent claims 21 and 24, they have been amended to recite similar claim limitations as that amended in claim 1. Therefore, Applicant respectfully submits that independent claims 21 and 24 should be allowable over the Evans reference for at least the same reasons as independent claim 1. With respect to dependent claims 2-3, 7-13, 16-17, 19 and 22, they should each be patentable over the Evans reference based on at least their respective dependency from claims 1 and 21.

The Examiner also rejected claim 23 as being anticipated by Hettinger (U.S. Patent No. 1,323,473).

In the Hettinger reference, a cooking utensil for steaming a food item is disclosed. The cooking utensil provides an outer vessel 10 and an inner vessel 22. The inner vessel 22 is suspended in the outer vessel 10 on a ring 17 and flange 18 stand at the bottom of the outer vessel 10. Such suspension provides a substantial space between the bottom and side walls of the outer vessel 10 and the bottom and side walls of the inner vessel 22. See Hettinger, page 1, lines 65-86; FIGS. 1-3.

In contrast, amended claim 23 recites, *inter alia*, the method of “disposing said disposable liner so that said bottom wall and said upstanding side wall substantially conforms and abuts with said inner surface of said dutch oven;” Since the Hettinger reference teaches an inner vessel suspended in an outer vessel, and not an abutting relationship between the bottom and side walls of the inner and outer vessels, Applicant respectfully submits that the rejection of claim 23 under 35 U.S.C. 102 over the Hettinger reference should be withdrawn.

### **Rejections under 35 U.S.C. 103**

The Examiner rejected claims 4-6, 14-15 and 18 under 35 U.S.C. 103 based on the Evans reference, as applied above, in view of Steger (U.S. Pat. No. 949,453). However, as previously set forth, the Evans reference does not teach or suggest a bottom wall and said upstanding side wall of a liner configured with a deformable material to conformably and abuttingly fit against an inner surface of a dutch oven, as recited in amended independent claim 1. With respect to the Steger reference, it teaches a wire mesh vessel within a larger vessel. *See* Steger, lines 8-13; FIG. 1. Independent claim 1 also recites that the liner includes a liquid-retaining surface extending from the bottom wall to at least an upper portion of the upstanding side wall. Therefore, the Steger reference also does not teach or suggest each and every limitation in independent claim 1.

Applicant therefore respectfully submits that claims 4-6, 14-15 and 18 are patentable over the Evans reference in view of the Steger reference based on at least their dependency from independent claim 1. It is therefore respectfully requested that the rejection of claims 4-6, 14-15 and 18 under 35 U.S.C. 103 based on the Evans reference in view of Steger be withdrawn.

The Examiner rejected claim 20 under 35 U.S.C. 103 based on the Evans reference, as applied above, in view of the Racz reference (U.S. Pat. No. 3,934,748). As previously set forth, the Evans reference does not teach or suggest a bottom wall and an upstanding side wall of a liner configured with a deformable material to conformably and abuttingly fit against an inner surface of a dutch oven, as recited in amended independent

claim 1. The Racz reference does not make up for such deficiencies. Specifically, the Racz reference teaches an infix member 12 configured to sit within a cartridge member 12 with a gap therebetween 30, and not in the claimed abutting relationship. Further, the Racz reference does not teach or suggest that the infix member 12 is a deformable material, as recited in claim 1. *See Racz*, col. 7, lines 34-51.

Applicant therefore respectfully submits that claim 20 is patentable over the Evans reference in view of the Racz reference based on at least its dependency from independent claim 1. It is therefore respectfully requested that the rejection of claim 20 under 35 U.S.C. 103 based on the Evans reference in view of Racz reference be withdrawn.

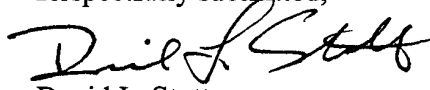
**CONCLUSION**

For the foregoing reasons, Applicants respectfully request the Examiner to withdraw all rejections, and to find the application now to be in condition for allowance with claims 1-24. However, if the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to call the undersigned to discuss any unresolved issues and to expedite the disposition of the application.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 17 day of January, 200~~7~~<sup>3</sup>.

Respectfully submitted,



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Proposed Claim Amendments for Serial No. 09/~~282~~,560

1. A disposable liner member for a dutch oven comprising:  
a liner having a bottom wall having a circular periphery and an upstanding side wall with an upper portion being circular defining a diameter, said liner having a liquid-retaining surface extending along said bottom wall to at least said upper portion of said upstanding side wall, said bottom wall and said upstanding side wall of said liner configured with a deformable material to conformably and abuttingly fit against an inner surface of the dutch oven; and  
a plurality of handles directly attached to opposite sides of said upper portion of said liner, [at least one handle] each of said plurality of handles being extendable from said upper portion of said liner and configured to be moveable with respect to said upper portion for completely enclosing in the dutch oven, each of said plurality of handles having a generally U-shaped configuration with two points of direct attachment to the liner, the two points of attachment expanding along said upper portion a distance substantially less than the diameter of the upper portion of the liner.
2. The disposable liner of claim 1, wherein said liner comprises a frame structure configured to support said liner.
3. The disposable liner of claim 2, wherein said frame structure comprises at least one linear structure.
4. The disposable oven liner of claim 2, wherein said frame structure comprises at least one [linear] support structure extending from an upper portion of said liner along said upstanding side wall and said bottom wall.

5. The disposable liner of claim 4, wherein said frame structure further comprises at least one ring structure along said upstanding side wall and interconnecting with said at least one [linear] support structure extending from said upper portion of said liner.

6. The disposable liner of claim 5, wherein said at least one ring structure is provided along at least one of a bottom portion, a middle portion and said upper portion of said upstanding side wall of said liner.

7. The disposable liner of claim 2, wherein said frame structure interconnects with said at least one handle.

8. The disposable liner of claim 7, wherein said at least one handle [is a continuous extension of] integrally extends from said frame structure.

9. The disposable liner of claim 8, wherein said at least one handle is bendable.

10. The disposable liner of claim 7, wherein said at least one handle is slidably interconnected with said frame structure.

11. The disposable liner of claim 1, wherein said at least one handle slideably interconnects with said upper portion of said liner.

12. The disposable liner of claim 1, wherein said at least one handle collapsibly interconnects with said upper portion of said liner.

13. The disposable liner of claim 1, wherein said at least one handle insertably interconnects with said upper portion of said liner.

14. The disposable liner of claim 1, wherein said at least one handle is [a continuous interconnection] integrally interconnected with said upper portion of said liner.

15. The disposable liner of claim 14, wherein said at least one handle is bendable.

16. The disposable liner of claim 1, wherein said liner is configured to be disposed inside a dutch oven.

17. The disposable liner of claim 2, wherein said liner is rigidly bonded to said frame structure.

18. The disposable liner of claim 2, wherein said liner comprises at least a first layer and at least a second layer with said frame structure therebetween.

19. The disposable liner of claim 2, wherein said liner comprises at least one layer interconnectedly adjacent said frame structure.

20. The disposable liner of claim 1, wherein said liner and said handles comprise at least one of an aluminum material and an aluminum alloy material.

21. A method of fabricating a disposable liner member for a dutch oven, the method comprising:  
forming a liner with a deformable material having a bottom wall with a circular periphery and an upstanding side wall with an upper portion being circular defining a diameter so that said bottom wall and said upstanding side wall of said liner is configured to conformably and abuttingly fit against an inner surface of the dutch oven, said liner having a liquid-retaining surface extending along said bottom wall to at least said upper portion of said upstanding side wall; [and]  
forming a plurality of handles directly attached to opposite sides of said upper portion of said liner so that each of said plurality of handles are [at least one handle to be] extendable from said upper portion of said liner and configured to be moveable with respect to said upper portion for completely enclosing said liner and said at least one handle in the dutch oven; and



configuring each of said plurality of handles with a generally U-shaped configuration with two points of direct attachment to the liner so that the two points of attachment expand along said upper portion a distance substantially less than the diameter of the upper portion of the liner.

22. The method according to claim 21, wherein said forming said liner comprises configuring said liner to fit within the dutch oven.

23. A method of cooking with a disposable liner member, the method comprising:

providing a dutch oven having an inner surface, an outer surface and an upper ridge between said inner surface and said outer surface, and a lid made for resting on said upper ridge;

providing a disposable liner having a bottom wall with a circular periphery extending to an upstanding side wall, said upstanding sidewall having an upper portion being circular defining a diameter, said disposable liner having a deformable material and a liquid-retaining surface extending along said bottom wall to at least said upper portion of said upstanding side wall, said upper portion having a plurality of handles directly attached to opposite sides of said upper portion and [at least one handle] extendable from said upper portion and configured to be moveable with respect to said upper portion, each of said plurality of handles having a generally U-shaped configuration with two points of direct attachment to the liner, the two points of attachment expanding along said upper portion a distance substantially less than the diameter of the upper portion of the liner;

disposing said disposable liner so that said bottom wall and said upstanding side wall substantially conforms and abuts with said inner surface of said dutch oven;

providing food in said disposable liner;

maneuvering said plurality of handles [at least one handle] to a downward position below said upper ridge of said dutch oven for completely enclosing in said dutch oven;

placing said lid of said dutch oven on said ridge;

placing said dutch oven with said disposable liner therein to a hot surface to thereby cook said food therein;  
removing said dutch oven from said hot surface and removing said lid from said dutch oven;  
maneuvering at least some of said plurality of handles [said at least one handle] to an upward position; and  
removing said disposable liner from said dutch oven by said plurality of handles [said at least one handle] in said upward position.

24. A disposable liner member in combination with a cooking vessel, the combination comprising:

a basin including an inner surface and an upper ridge, said basin configured to receive a basin lid to sit on said upper ridge of said basin;  
a liner having a bottom wall having a circular periphery and an upstanding side wall with an upper portion being circular defining a diameter, said liner having a liquid-retaining surface extending along said bottom wall to at least said upper portion of said upstanding side wall, said bottom wall and said upstanding side wall of said liner configured with a deformable material to conformably and abuttingly sit against said inner surface of said basin; and  
a plurality of handles directly attached to opposite sides of said upper portion of said liner, [at least one handle] each of said plurality of handles being extendable from said upper portion of said liner, said plurality of handles [at least one handle] configured to be maneuverable so that said basin lid sits flat on said upper ridge of said basin without interference, each of said plurality of handles having a generally U-shaped configuration with two points of direct attachment to the liner, the two points of attachment expanding along said upper portion a distance substantially less than the diameter of the upper portion of the liner.